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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/998,419	11/29/2001	Matthew K. Barrow	IDF 1763 (4000-06600)	5992

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EXAMINER

JEAN GILLES, JUDE

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 01/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/998,419	BARROW, MATTHEW K.	
	Examiner	Art Unit	
	Jude J. Jean-Gilles	2143	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

JR

DETAILED ACTION

This Action is in regards to the Reply received on 10/26/2005. Claims 1-18 are currently pending. Claims 1-18 represent a method and apparatus for an "Integrated Services Hub Reboot Process."

Drawings

1. New corrected drawings are required in this application because handwritten labels are confusing in all the drawing sheets. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beser (U.S. Patent No. 6,049,826) in view of Takagi et al (Takagi) U.S. Patent No. 6,643,695 B1).

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Regarding claim 1: Beser discloses the invention substantially as claimed.

Beser teaches a method for initializing a customer premises telecommunications hub having a link to a central office (*fig. 1*) comprising:

obtaining a configuration file name and a domain name of a TFTP file server from a DHCP server in a central office (*fig. 19; steps 336-344; column 20-lines 32-67; column 28; 8-67; column 29, lines 1-34*),

obtaining a configuration file, including a first control software file name, from the TFTP file server, and a model ID identifying the model of the Hub (*fig. 19; steps 336-344; column 20-lines 32-67; column 28; 8-67; column 29, lines 1-34*),

However Beser does not expressly disclose creating a second control software file name by combining a model ID identifying the model of the hub with at least part of the first control software file name.

In the same field of endeavor, Takagi teaches "The height field 34 of each MI record contains a specific height of 3D model data of a corresponding one of the fixtures and the computers 2-1 through 2-3. The model data field 35 of each MI record contains the identification (or a file name) of a 3D model data file which defines 3D model data of a corresponding one of the fixtures and the computers 2-1 through 2-3 .." [see Takagi; *column 9, lines 45-49*]... then, the model data of the target maintenance object is read from the model data file of the storage device 5, the file name of which is contained in the model data field 35 of the corresponding MI record in the model information table 13. The coordinates of the model data of the target maintenance object are calculated by the CPU 6 based on the data obtained in the above-mentioned manner... [see Takagi; *column 11, lines 27-34*].

Accordingly, it would have been obvious to one of ordinary skill in the networking art at the time the invention was made to have incorporated Takagi's teachings of a second control software file name with the teachings of Beser, for the purpose of improving the ability of a network "...to execute a control processing which monitors and manages a plurality of maintenance objects interconnected by a network..." as stated by Takagi in lines 12-17 of column 1. By this rationale, **claim 1 is rejected**.

Regarding claim 2: The combination Beser-Tagaki discloses a method according to Claim 1, wherein:

said first control software file name includes a prefix identifying a model number, and said step of creating a second control software file name comprises replacing the prefix of said first control software file name with a prefix comprising the model number of said hub [see *Beser*; column 30, lines 1-57].

Regarding claim 3: The combination Beser-Tagaki discloses a method according to Claim 1, further comprising:
obtaining a control software file, having the second control software file name from the TFTP file server [see *Beser*; column 30, lines 1-57].

Regarding claim 4: The combination Beser-Tagaki discloses a method according to claim 3, further comprising:
comparing the name of said control software file to said second control software file name [see *Beser*; column 30, lines 1-57].

Regarding claim 5: The combination Beser-Tagaki discloses a method according to claim 4, further comprising:

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loading said control software file into a first flash memory partition in said hub and designating said first partition as the active partition [see *Beser*; column 13, lines 36-67; column 9, lines 18-30].

Regarding claim 6: The combination Beser-Tagaki discloses a method according to Claim 5 further comprising:
rebooting said hub with said control software file in said first flash memory partition [see *Beser*; column 13, lines 36-67; column 9, lines 18-30].

Regarding claim 7: The combination Beser-Tagaki discloses a method according to Claim 6 wherein:

said control software file is stored in compressed form in said first flash memory partition, and on rebooting, said file is expanded and loaded into RAM for operating said hub [see *Beser*; column 13, lines 36-67; column 9, lines 18-30; see *Tagaki*; column 7, lines 37-64].

Regarding claim 8: The combination Beser-Tagaki discloses a method according to Claim 1, further comprising:
checking said first control software file name for the presence of a suffix identifying it as a control software file name, and, if such suffix is not present, adding a suffix identifying said first control software file name as a control software file name [see *Beser*; column 30, lines 1-57].

Regarding claim 9: The combination Beser-Tagaki discloses a method according to Claim 1, further comprising:

obtaining an IP address of a domain name server from said DHCP server

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in said central office, and obtaining an IP address of said TFTP server from said domain name Server [see *Beser*; *fig. 19*; *steps 336-344*; *column 20-lines 32-67*; *column28*; *8-67*; *column 29, lines 1-34*].

Regarding claim 10: The combination *Beser-Tagaki* discloses a method for providing control software code to a customer premises telecommunications hub having a link to a central office comprising:

upon rebooting of the hub, sending a DHCP request to a central office DHCP server [see *Beser*; *column 13, lines 36-67*; *column 9, lines 18-30*; *fig. 19*; *steps 336-344*; *column 20-lines 32-67*; *column28*; *8-67*; *column 29, lines 1-34*],

sending a configuration file name and a domain name of a TFTP server from the central office DHCP server to the hub [see *Beser*; *fig. 19*; *steps 336-344*; *column 20-lines 32-67*; *column28*; *8-67*; *column 29, lines 1-34*],

sending a request for the configuration file from the hub to the TFTP Server [see *Beser*; *fig. 19*; *steps 336-344*; *column 20-lines 32-67*; *column28*; *8-67*; *column 29, lines 1-34*],

sending the configuration file, including a first control software file name, from the TFTP server to the hub [see *Beser*; *fig. 19*; *steps 336-344*; *column 20-lines 32-67*; *column28*; *8-67*; *column 29, lines 1-34*], and

creating a second control software file name by combining a model ID identifying the model of the hub with at least pad of the first control software file name [see *Takagi*; *column 9, lines 45-49*; *column 11, lines 27-34*].

Regarding claim 11: The combination Beser-Tagaki discloses the method of Claim 10 wherein:

said first control software file name includes a prefix identifying a model number, and said step of creating a second control software file name comprises replacing the prefix of said first control software file name with a prefix comprising the model number of said hub [see *Beser*; column 30, lines 1-57].

Regarding claim 12: The combination Beser-Tagaki discloses the method of Claim 10, further comprising:

sending a request for the control software file having said second control software file name from the hub to a configuration file server, and sending the control software file having said second control software file name from the configuration file server to the hub [see *Beser*; fig. 19; steps 336-344; column 20-lines 32-67; column 28; 8-67; column 29, lines 1-34].

Regarding claim 13: The combination Beser-Tagaki discloses the method of Claim 12 further comprising:

comparing the name of said control software file to said second control software file name [see *Beser*; fig. 19; steps 336-344; column 20-lines 32-67; column 28; 8-67; column 29, lines 1-34].

Regarding claim 14: The combination Beser-Tagaki discloses the method according to claim 13, further comprising:

loading said control software file into a first flash memory partition in said hub and designating said first partition as the active partition [see *Beser*; column 13, lines 36-67; column 9, lines 18-30].

Regarding claim 15: The combination Beser-Tagaki discloses the method according to claim 14, further comprising:

rebooting said hub with said control software file in said first flash memory partition [see *Beser*; column 13, lines 36-67; column 9, lines 18-30].

Regarding claim 16: The combination Beser-Tagaki discloses the method according to Claim 15 wherein:

said control software file is stored in compressed form in said first flash memory partition, and on rebooting, said file is expanded and loaded into RAM for operating said hub [see *Beser*; column 13, lines 36-67; column 9, lines 18-30; see *Tagaki*; column 7, lines 37-64].

Regarding claim 17: The combination Beser-Tagaki discloses the method according to Claim 16, further comprising:

checking said first control software file name for the presence of a suffix identifying it as a control software file name, and, if such suffix is not present, adding a suffix identifying said first control software file name as a control software file name [see *Beser*; column 30, lines 1-57].

Regarding claim 18: The combination Beser-Tagaki discloses the method according to Claim 1, further comprising:

obtaining an IP address of a domain name server from said DHCP server

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in said central office, and obtaining an IP address of said TFTP server from said domain name server [see *Beser*; *fig. 19*; *steps 336-344*; *column 20-lines 32-67*; *column 28*; *8-67*; *column 29, lines 1-34*].

Conclusion

4. **THIS ACTION IS MADE NON-FINAL.** Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

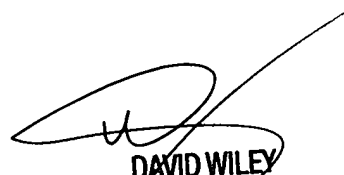
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-9000.

Jude Jean-Gilles

Patent Examiner

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DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

JJG



January 16, 2006